

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND )  
TYRONE C. MACON, AS PERSONAL )  
REPRESENTATIVE OF THE ESTATE )  
OF DERRICK CALDWELL ROPER, )  
Plaintiff, )  
vs. )  
THE HOUSING AUTHORITY OF )  
THE CITY OF COLUMBIA, S.C., )  
Defendant. )  
\_\_\_\_\_  
SUMMONS  
(WRONGFUL DEATH CLAIM)  
AND SURVIVAL ACTION CLAIM)  
(JURY TRIAL REQUESTED)

**TO THE ABOVE NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED AND REQUIRED** to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer upon the subscriber at 1418 Park Street, Columbia, South Carolina, within thirty (30) days, thirty-five (35) days if service is by certified mail, exclusive of the day of said service, and if you fail to answer, appear or defend this action within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

**THE STANLEY LAW GROUP, P.A.**

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**JONES-WALKER LAW FIRM**

s/Thehma Jones-Walker  
Thehma Jones-Walker  
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**ATTORNEYS FOR PLAINTIFF**

Columbia, South Carolina  
Dated: February 1, 2019

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF RICHLAND )  
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TYRONE C. MACON, AS PERSONAL )  
REPRESENTATIVE OF THE ESTATE )  
OF DERRICK CALDWELL ROPER, )  
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Plaintiff, ) COMPLAINT  
vs. ) (WRONGFUL DEATH CLAIM)  
 ) AND SURVIVAL ACTION CLAIM)  
 ) (JURY TRIAL REQUESTED)  
THE HOUSING AUTHORITY OF )  
THE CITY OF COLUMBIA, S.C., )  
 )  
Defendant. )  
 )

**FOR A FIRST CAUSE OF ACTION**  
**(WRONGFUL DEATH CLAIM)**

1. That the Plaintiff is the duly qualified, appointed and acting personal representative of the Estate of Derrick Caldwell Roper and is bringing this action for the benefit of the decedent's statutory beneficiary in accordance with §15-51-10 of the South Carolina Code of Laws, 1976, as amended, and other statutes for such cases so made and provided.
2. That in accordance with §15-51-20 of the South Carolina Code of Laws, 1976, as amended, the decedent's statutory beneficiary is his mother, Judy Roper.
3. That the defendant is a public body corporate and politic established pursuant to §31-3-310, et. al., of the South Carolina Code of Laws, 1976, as amended, to promote and protect the health, safety, morals and welfare of the public by providing safe, decent and habitable housing for qualified residents in and near the City of Columbia, South Carolina.

4. That the defendant owns and operates a number of apartment complexes in and near the corporate limits of the City of Columbia for the occupancy of qualified residents including an apartment complex known as Allen Benedict Court.
5. That at all times relevant hereto, the plaintiff's decedent, Derrick Caldwell Roper, was a tenant of the Housing Authority of the City of Columbia and was housed as a resident in Apartment J-1 in Allen Benedict Court.
6. That upon information and belief, on or about January 16 and/or 17, 2019, a high concentration of poisonous gases including, but not limited to, carbon monoxide, hydrogen cyanide and natural gas, leaked from appliances and/or gas lines on and about the premises of Allen Benedict Court.
7. That the poisonous gases invaded the apartment unit occupied by plaintiff's decedent causing plaintiff's decedent to be exposed to the deadly gases. Plaintiff's decedent ultimately succumbed to the gases and died.
8. That the plaintiff is informed and believes that the defendant knew or should have known that poisonous gases were leaking in several of the apartments located in the Allen Benedict Court complex and breached its duty of care to plaintiff's decedent by failing to eliminate the production and leakage of the gases; by failing to warn plaintiff's decedent of the production and leakage of the poisonous gases and by failing to evacuate plaintiff's decedent from his apartment unit after having actual notice of the

presence of the leakage of gases on and about the premises of the Allen Benedict Court apartment complex.

9. That the defendant, by its acts or omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:
  - a. In failing to properly maintain Allen Benedict Court in a safe, healthy, decent and habitable condition;
  - b. In failing to eliminate and abate repeated and ongoing known and suspected poisonous gas leaks;
  - c. In failing to timely address health and safety hazards at Allen Benedict Court;
  - d. In failing to equip the apartment units in Allen Benedict Court with carbon monoxide detectors;
  - e. In failing to properly inspect the appliances and the premises at Allen Benedict Court for gas leaks after being notified by residents on several occasions of the odor and smell of gas leaks in and about the premises of Allen Benedict Court;
  - f. In failing to adequately monitor and supervise the employees, agents or subcontractors that were hired to manage the complex and perform maintenances and repairs at Allen Benedict Court;
  - g. In failing to warn the residents of Allen Benedict Court of the dangers of occupying and residing in an apartment within the Allen Benedict Court complex after receiving actual notice of the

- possibility that poisonous gases were present in and about the apartments located within the Allen Benedict Court complex;
- h. In failing to evacuate the residents that were occupying apartments within the Allen Benedict Court complex after receiving notice of the presence of escaping gases in and about the said premises;
  - i. In failing to exercise due care in the maintenance and repair of Allen Benedict Court; and,
  - j. In failing to use the degree of care and caution that a reasonable and prudent landlord would have used under the circumstances then and there prevailing.
10. That one or more of the specifications of negligence set forth above was the direct and proximate cause of the death of plaintiff's decedent.
  11. That as a result of the plaintiff decedent's death, his statutory beneficiary has lost the companionship and has suffered the deprivation of the use and comfort of plaintiff decedent's society, and because of losing these things, the said beneficiary has endured and continue to endure great mental anguish, anxiety and suffering; has suffered indescribable grief, shock and sorrow and has suffered greatly wounded feelings.
  12. That the plaintiff is informed and believes that because of the great mental shock and suffering, wounded feelings, grief and sorrow, and deprivation of the comfort of the decedent, the statutory beneficiary has been injured and damaged.

13. That the plaintiff is informed and believes that he is entitled to judgment against the defendant in an amount to be determined by the trier of fact.

**WHEREFORE**, plaintiff prays for judgment on the First Cause of Action against the defendant in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

**FOR A SECOND CAUSE OF ACTION**  
**(SURVIVAL ACTION CLAIM)**

14. That the plaintiff incorporates the allegations of the First Cause of Action above as fully as if repeated verbatim here.
15. That the plaintiff is bringing this survival action for the benefit of the decedent's estate.
16. That being heavily exposed to the poisonous gases that were present in the apartment occupied by plaintiff's decedent, the plaintiff is informed and believes that plaintiff's decedent suffered severe personal injuries and great pain in body prior to his death which plaintiff is informed and believes entitles the decedent's estate to a judgment against the defendant in an amount to be determined by the trier of fact.

**WHEREFORE**, plaintiff prays for judgment on the Second Cause of Action against the defendant in an amount to be determined by the trier of fact, for the cost of this action, and for such other and further relief as this court may deem just and proper.

**THE STANLEY LAW GROUP, P.A.**

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Dated: February 1, 2019